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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Rashid El Malik, Sr.,)
)
Complainant,)
)
vs.)
)
Southern California Edison Company (U 338-E),)
)
Defendant.)
)

ECP C.16-07-013
(Filed July 21, 2016)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
ANSWER TO COMPLAINT

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Dated: August 25, 2016

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Rashid El Malik, Sr.,)	
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Complainant,)	ECP C.16-07-013
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SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E)
ANSWER TO COMPLAINT

I.

INTRODUCTION

Pursuant to Rule 4.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (CPUC or Commission), Southern California Edison Company (SCE) respectfully submits this Answer to the Complaint of Rashid El Malik, Sr. (Mr. El Malik or Complainant). SCE was served with the Instruction to Answer on August 5, 2016.

The subject complaint originated as two informal complaints filed with the Commission on July 23, 2015 and February 8, 2016.¹ SCE provided a response to the first informal complaint on October 2, 2015 and to the second informal complaint on March 4, 2016. Complainant then filed this Expedited Formal Complaint on July 21, 2016. Both the informal and expedited formal complaints arise out of the same operative facts and assert the same claims.

¹ CPUC File Nos. 361392 and 380459.

Specifically, Complainant requests that SCE: (1) reinstate him in the California Alternate Rates for Energy (CARE) program; (2) rebill his account at the CARE rate retroactive to his removal in 2014; and (3) remove the late payment charges billed to his account since his removal from CARE.

II. **SUMMARY**

According to SCE's records, Complainant has been the customer of record at 1320 Via Margarita, Pales Verdes Estate, California as of July 6, 2000. Prior to June 2014, Complainant was enrolled in SCE's CARE program and received the CARE discount on his SCE bills. On or about April 26, 2014, Complainant's account was identified as a CARE account with electric usage over 400% of baseline and Complainant was notified that he must complete SCE's High Usage Verification process pursuant to Pub. Util. Code §739.1(h) and Decision (D.)12-08-044. As part of the High Usage Verification process, Complainant was notified that he must provide a verified form of proof of household income.² SCE did not receive the required documentation and Complainant was automatically removed from the CARE program on or about June 12, 2014, pursuant to SCE's standard High Usage Verification process. Subsequent to his removal from CARE, Complainant provided various documents in a good-faith attempt to comply with the High Usage Verification process.³ The documents the Complainant provided were incomplete⁴ and not the required documents SCE requires for High Usage Verification; thus,

² See D.12-08-044, p. 221: "The electric IOUs should develop and field a standard income verification document for these instances which may require customers to provide a state or federally verified form of income proof, such as the household's annual tax returns." The electric IOUs (SCE, PG&E, and SDG&E), developed a standard income verification document requirement of state or federally verified proof of income, which was approved by the CPUC's Energy Division."

³ See Answer to Material Allegations for additional dates SCE contacted the Complainant.

⁴ For example, Complainant provided a document identifying his IRS tax-exempt status for 2012 yet did not provide similar documentation for his wife and son, the other occupants in his household.

SCE did not initially reinstate the Complainant on CARE. However after further review, SCE concluded all of the documents taken together provide sufficient documentation of Complainant's income eligibility. As a result, SCE determined it has now received sufficient documentation to reinstate the Complainant on CARE. During this time, Complainant also submitted an application for SCE's Medical Baseline Program and was approved for three medical baseline allocation allowances for his account.

SCE avers that it has complied with all applicable laws, regulations, rules, orders, and tariffs with respect to the matters at issue in the Complaint. Based on SCE's determination that the documents provided were sufficient, SCE has granted the relief requested in the Complaint. Specifically, SCE has: (1) reinstated Complainant in the CARE program; (2) rebilled his account at the CARE rate retroactive to the billing period May 21, 2014 to June 21, 2016; and (3) rebilled his account to remove the late payment charges billed to his account since August 1, 2014. Therefore, SCE respectfully requests that the Commission dismiss this Complaint since the requested relief has been addressed.

III.

ANSWER TO MATERIAL ALLEGATIONS

SCE responds to the material allegations of the Complaint as follows:

1. SCE admits:
 - a. Complainant was billed at the CARE rate prior to June 2014.
 - b. Complainant provided SCE with documents identifying his disability.
 - c. Complainant provided SCE with IRS Statements of Non-Filing for himself (for 2012 and 2013) and his wife (for 2012 and 2013).
 - d. Complainant provided SCE with documents identifying his IRS tax-exempt status for 2012.⁵ However, Complainant did not provide such documentation for the remainder of the household (his wife and son).
 - e. Complainant provided SCE with a notarized affidavit of no taxable income for his son;
 - f. Complainant made a payment on his account in the amount of \$298.76 on or about September 9, 2014.
 - g. SCE sent a notification to Complainant on or about September 24, 2014 stating: “we do not have sufficient information to complete your verification and will need additional documentation returned to us within 30 days of this letter.”
 - h. The September 24, 2014 document states: “You can verify your eligibility by completing either Option 1 or Option 2.” Option 1 is for customers who participate in one or more of several identified Public Assistance Programs.⁶

⁵ This is the only document submitted to SCE that meets the standard income verification document requirement.

⁶ See Complaint Attachments, Exhibit 2.

- i. Complainant marked Supplemental Security Income (SSI) under Option 1 and returned the document to SCE. However, the instructions for Option 1 state: “Please send a copy of the most recent Notice of Action from the County Department of Social Services showing cash aid and food stamps or document(s) showing proof of participation for program(s) selected.” SCE received the completed form, but did not receive the required documentation showing proof of participation for the program selected (SSI).
 - j. Complainant applied for Medical Baseline subsequent to December 13, 2014.
 - k. SCE approved Complainant’s Medical Baseline application on or about March 4, 2015.
 - l. During the pendency of the informal complaints referenced above, SCE and Complainant reached an agreement whereby Complainant would continue to pay \$200.00 per month on the balance of his account.
 - m. Complainant has made payments on his account from July 31, 2014 through the date of this filing.
2. SCE denies:
- a. Complainant’s allegation that SCE has chosen to ignore rules and/or applicable law governing compliance.
 - b. Complainant’s allegation that he fully complied with the High Usage Verification process and submitted all requested documents to SCE.
3. SCE does not have sufficient information to either admit or deny whether Complainant is a disabled veteran “rated 100% total and permanently with the loss of use of his lower and upper extremities,” or that he is confined to a wheelchair, except to admit that Complainant has demonstrated sufficient medical

need for SCE approval of three medical baseline allocation allowances for his account.

Any other allegations requiring an answer contained in the Complaint not addressed elsewhere in this Answer are denied.

IV.

AFFIRMATIVE DEFENSES

FIRST, SEPARATE AND AFFIRMATIVE DEFENSE

Affirmative Allegations

SCE re-alleges and incorporates herein each affirmative allegation set forth above.

SECOND, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to State a Cause of Action

Complainant fails to state facts sufficient to constitute a cause of action for relief against SCE.

THIRD, SEPARATE AND AFFIRMATIVE DEFENSE

Compliance with all Applicable Tariffs, Rules, Regulations and Laws

Complainant is barred from recovery because SCE complied with all applicable rules, laws, regulations, and tariffs and all applicable general service rate schedules.

FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE

Proximate Intervening Cause

If Complainant suffered any injury as alleged in the Complaint, which SCE specifically disputes and denies, the intervening and superseding actions, and/or inactions of Complainant

herself or some other person or entity other than SCE proximately caused such injury in whole or in part.

FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to Mitigate

Complainant failed to mitigate its injury, if any.

WHEREFORE, SCE prays that the Complaint be dismissed without prejudice since the requested relief has been addressed.

Respectfully submitted,

/s/ Prabha Cadambi

By: Prabha Cadambi

SOUTHERN CALIFORNIA EDISON COMPANY

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August 25, 2016

VERIFICATION

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. I am informed and believe that the matters stated in **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) ANSWER TO COMPLAINT** are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this day of August 25, 2016, at Rosemead, California.

/s/ Caroline Choi

Caroline Choi
Senior Vice President, Regulatory Affairs
SOUTHERN CALIFORNIA EDISON COMPANY

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